

STATUS OF CLAIMS

Having amended claims 1-3, 9-16, 19-20, 22-28, 31-32, 34-37, 40-44, and 47-50, claims 1-50 are currently pending in the present application. Applicants believe no new matter has been added by the amendments.

REMARKS

Objection to the Title

In the Office Action dated February 4, 2005 (the "Office Action"), the Examiner objected to the title as being not descriptive. The title has been amended to be clearly indicative of the present invention. The Examiner is respectfully requested to withdraw the objection.

Information Disclosure Statements (IDS)

a) In ¶2 of the Office Action, the Examiner indicated that "a vast majority of the references cited are not relevant to the claimed invention" and invited Applicants "to specifically point out those references that may be pertinent to the claimed invention." Applicants are under a duty to disclose information material to patentability. (37 C.F.R. ¶1.56.) A number of IDS-es and cited references are submitted in the present application to meet the duty to disclose. Applicants thank the Examiner for considering the cited references.

b) In ¶3 of the Office Action, the Examiner indicated that certain references were not legible. Although Applicants believe legible copies were submitted, Applicants will re-submit copies of those references in a separate correspondence.

c) In ¶4 of the Office Action, the Examiner indicated that the Examiner did not consider certain references not in the English language allegedly because Applicants failed to include a concise explanation of the relevance of those references. Applicants respectfully submit that all those references include English abstracts, which may indicate their relevance to the present invention. The Examiner is respectfully requested to consider those references.

Rejections under 35 U.S.C. §102 (a)

In ¶6 of the Office Action, the Examiner rejected claims 1-3, 5-16, 18, 20, 22-28, 30, 32, 34-36, 38-43, and 45-50 under 35 U.S.C. §102 (a) as being clearly anticipated by Microsoft's software product called BizTalk Server 2000 – Enterprise Edition (the “BTS Enterprise Ed.”) as allegedly “evidenced by” Microsoft BizTalk Sever 2000-Enterprise Edition Product Documentation (1999-2000), Anderson, Tim, Head to Head Talking XML –BizTalk Server 2000 (2001), BizTalk Server 2000 An Overview (2001). (¶6 of the Office Action.) This rejection is respectfully traversed.

The Examiner Fails to Establish that the BTS Enterprise Ed. is Prior Art

As noted above, the Examiner asserts that features of the BTS Enterprise Ed. are “evidenced by” three references: 1. Microsoft BizTalk Sever 2000-Enterprise Edition Product Documentation (1999-2000) (the “BTS Enterprise Ed. Product Doc.”); 2. Anderson, Tim, Head to Head Talking XML –BizTalk Server 2000 (2001) (the “Head to Head Article”); and 3. BizTalk Server 2000 An Overview (2001) (the “Overview”). Although the BTS Enterprise Ed. Product Doc. has copyright notices dating the document to 1999-2000, the notices by themselves

do not establish that the BTS Enterprise Ed. was actually publicly used (or its features publicly known) in this country before the filing date of the present application. An article entitled *Microsoft Ships BizTalk Server 2000*, dated April 2001, states that the Microsoft BizTalk Server 2000 was “widely available in January 2001.” However, this article does not state that the BTS Enterprise Ed. was available in January 2001. (There are at least two other editions available: 1. Standard Edition; and 2. Developer Edition – *See Appendix A.*) Hence, the Examiner failed to establish that the BTS Enterprise Ed. is prior art for the present application.

The BTS Enterprise Ed. did not Include the Claimed invention

Even if the BTS Enterprise Ed. is prior art, it did not include the features recited in the pending claims of the present application. For instance, amended claim 1 requires a plurality of “manufacturing” tasks be performed by the claimed work flow system. The originally filed disclosure describes various examples of “manufacturing” tasks, *e.g.*, page 6, lines 8-24. The three references cited by the Examiner that allegedly show various features of the BTS Enterprise Ed. do not describe such a feature. From this, the BTS Enterprise Ed. cannot be said to include the feature of requiring a plurality of manufacturing tasks be performed by a work flow system.

Moreover, amended claim 1 requires that the feature of “retry” be performed when the cause of a failure is a transient error. An example of a transient error is described in page 15, lines 4-16 of the present application. This feature eliminates the need to perform “retry” if the failure was not due to a transient error. (*See, e.g.*, page 15, lines 17-22.) The three references cited by the Examiner that allegedly show various features of the BTS Enterprise Ed. do not

disclose such a feature. From this, the BTS Enterprise Ed. cannot be said to include the feature of performing “retry” when the cause of a failure is a transient error.

Other amended independent claims (*i.e.*, claims 10, 22, 34, 41, and 48-50) also recite similar features. Hence, claims 1-3, 5-16, 18, 20, 22-28, 30, 32, 34-36, 38-43, and 45-50 are patentably distinguishable from over the cited prior art.

Rejections Under 35 U.S.C. §103(a)

The Examiner also rejected claims 4, 19, 21, 31, 33, 37, and 44 under 35 U.S.C. §103(a) as being unpatentable over the BTS Enterprise Ed. in view of official notices. This rejection is respectfully traversed.

In particular, the Examiner asserted a number of official notices, two of them are:

Official notice is taken that if the BTS workflow system implicitly enables users to select any number of predetermined tries before compensating for the failed transaction through a plurality of means and in doing so provides a much more robust system that is not limited to a set number of predetermined tries.

Official notice is taken that the utilization (retrieved, acted upon, captured, used, etc.) of a callee’s return address or other returned information by the caller (procedure calls, object invocation, etc.) is optional (arbitrary) is old and well known.

Each of these official notices is respectfully traversed. The Examiner is specifically requested to provide evidence with references for each of the official notices and provide proper reasoning why such references (if any) would be combinable with the BTS Enterprise Ed. [*See*, MPEP § 2144.03]

In addition, even if all the official notices are combined with the BTS Enterprise Ed., the combination fails to teach or suggest the features relating to “manufacturing tasks” and “retry” as discussed above. Hence, the office notices and the BTS Enterprise Ed., even if combined as suggested by the Examiner, do not teach or suggest each and every recited feature of claims 4, 19, 21, 31, 33, 37, and 44.

The Examiner also rejected claims 17 and 19 under 35 U.S.C. §103(a) as being unpatentable over BTS in view of USPN 6,470,227 issued to Rangachari et al. (the “ ‘227 patent”).

This rejection is respectfully traversed because the ‘227 patent also fails to teach or suggest the feature relating to “retry” for failures due to a transient error. Hence, the cited references, even if combined as suggested by the Examiner, do not teach or suggest each and every recited feature of claims 17 and 19.

Applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited prior art shows any of the elements recited in the claims (as amended or prior to any amendment). However, Applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees, which may be required for this Amendment, or credit any overpayment to deposit account no. 08-0219.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to deposit account no. 08-0219.

Respectfully submitted,

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